

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

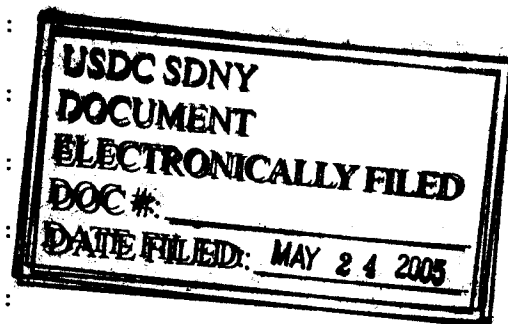
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UNITED STATES OF AMERICA : SEALED
: INDICTMENT

- v. - : 05 Cr. _____

HAROLD BURNS, :
a/k/a "Norberto Amezquita," :
a/k/a "Howie," :
WELLINGTON HOOKER FORBES, :
LAUREANO HOOKER, :
GABRIEL AGRESOT LOBO, :
JORGE PACHECO SILVA, :
GUIDO MATEO SUASO, :
CARLOS GONZALES FLORES, :
ERIC ANTHONY ABRAHAMS REYES, :
a/k/a "Flaco," :
STEVEN OJEDA, :
a/k/a "Scott," :
MAY ADALBERTO MITCHELL PALACIO, :
a/k/a "Mike," :
OLARIO MITCHELL PALACIO, :
a/k/a "Philip," :
ROGER GIOVANY MIENTES SANCHEZ, :
EDWIN FRANKLIN GUTIERREZ PATERNINA, :
HUGO HUMBERTO MIENTES SANCHEZ, and :
RAUL ALBERTO ALVAREZ-HAMBURGER, :
a/k/a "El Ingeniero," :

Defendants. :
- - - - -X

05CRIM. 587



COUNT ONE

The Grand Jury charges:

1. From in or about March 2004 up to and including in or about May 2005, in the Southern District of New York and elsewhere, HAROLD BURNS, a/k/a "Norberto Amezquita," a/k/a "Howie," WELLINGTON HOOKER FORBES, LAUREANO HOOKER, GABRIEL AGRESOT LOBO, JORGE PACHECO SILVA, GUIDO MATEO SUASO, CARLOS GONZALES FLORES, ERIC ANTHONY ABRAHAMS REYES, a/k/a "Flaco,"

STEVEN OJEDA, a/k/a "Scott," MAY ADALBERTO MITCHELL PALACIO, a/k/a "Mike," OLARIO MITCHELL PALACIO, a/k/a "Philip," ROGER GIOVANY MUENTES SANCHEZ, EDWIN FRANKLIN GUTIERREZ PATERNINA, HUGO HUMBERTO MUENTES SANCHEZ, and RAUL ALBERTO ALVAREZ-HAMBURGER, a/k/a "El Ingeniero," the defendants, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of said conspiracy that HAROLD BURNS, a/k/a "Norberto Amezcuita," a/k/a "Howie," WELLINGTON HOOKER FORBES, LAUREANO HOOKER, GABRIEL AGRESOT LOBO, JORGE PACHECO SILVA, GUIDO MATEO SUASO, CARLOS GONZALES FLORES, ERIC ANTHONY ABRAHAMS REYES, a/k/a "Flaco," STEVEN OJEDA, a/k/a "Scott," MAY ADALBERTO MITCHELL PALACIO, a/k/a "Mike," OLARIO MITCHELL PALACIO, a/k/a "Philip," ROGER GIOVANY MUENTES SANCHEZ, EDWIN FRANKLIN GUTIERREZ PATERNINA, HUGO HUMBERTO MUENTES SANCHEZ, and RAUL ALBERTO ALVAREZ-HAMBURGER, a/k/a "El Ingeniero," the defendants, and others known and unknown, would and did distribute a controlled substance, to wit, five kilograms or more of a substance containing a detectable amount of cocaine, intending and knowing that such substance would be imported into the United States from a place outside thereof, in violation of Sections 959, 960(a)(3) and 960(b)(1)(B) of Title 21, United States Code.

3. It was a further part and an object of said conspiracy that HAROLD BURNS, a/k/a "Norberto Amezquita," a/k/a "Howie," WELLINGTON HOOKER FORBES, LAUREANO HOOKER, GABRIEL AGRESOT LOBO, JORGE PACHECO SILVA, GUIDO MATEO SUASO, CARLOS GONZALES FLORES, ERIC ANTHONY ABRAHAMS REYES, a/k/a "Flaco," STEVEN OJEDA, a/k/a "Scott," MAY ADALBERTO MITCHELL PALACIO, a/k/a "Mike," OLARIO MITCHELL PALACIO, a/k/a "Philip," ROGER GIOVANY MUENTES SANCHEZ, EDWIN FRANKLIN GUTIERREZ PATERNINA, HUGO HUMBERTO MUENTES SANCHEZ, and RAUL ALBERTO ALVAREZ-HAMBURGER, a/k/a "El Ingeniero," the defendants, and others known and unknown, would and did import into the United States from a place outside thereof five kilograms or more of a substance containing a detectable amount of cocaine, in violation of Sections 812, 952(a), and 960(b)(1)(B) of Title 21, United States Code.

Means And Methods Of The Narcotics Conspiracy

4. Among the means and methods by which HAROLD BURNS, a/k/a "Norberto Amezquita," a/k/a "Howie," WELLINGTON HOOKER FORBES, LAUREANO HOOKER, GABRIEL AGRESOT LOBO, JORGE PACHECO SILVA, GUIDO MATEO SUASO, CARLOS GONZALES FLORES, ERIC ANTHONY ABRAHAMS REYES, a/k/a "Flaco," STEVEN OJEDA, a/k/a "Scott," MAY ADALBERTO MITCHELL PALACIO, a/k/a "Mike," OLARIO MITCHELL PALACIO, a/k/a "Philip," ROGER GIOVANY MUENTES SANCHEZ, EDWIN FRANKLIN GUTIERREZ PATERNINA, HUGO HUMBERTO MUENTES SANCHEZ, and RAUL ALBERTO ALVAREZ-HAMBURGER, a/k/a "El Ingeniero," the

defendants, and their co-conspirators would and did carry out the narcotics conspiracy were the following:

a. Since at least in or about March 2004, MAY ADALBERTO MITCHELL PALACIO, a/k/a "Mike," and OLARIO MITCHELL PALACIO, a/k/a "Philip," the defendants, led an international cocaine-trafficking organization (the "Organization") responsible for distributing thousands of kilograms of cocaine. The Organization arranged for the cocaine to be imported into the United States and other countries and sold for tens of millions of dollars.

b. During the course of the conspiracy, ROGER GIOVANY MIENTES SANCHEZ, EDWIN FRANKLIN GUTIERREZ PATERNINA, HUGO HUMBERTO MIENTES SANCHEZ, and RAUL ALBERTO ALVAREZ-HAMBURGER, a/k/a "El Ingeniero," the defendants, worked for the Organization to help arrange the transportation of the cocaine out of Colombia and into the United States and other countries.

c. During the course of the conspiracy, HAROLD BURNS, a/k/a "Norberto Amezcuita," a/k/a "Howie," WELLINGTON HOOKER FORBES, LAUREANO HOOKER, GABRIEL AGRESOT LOBO, JORGE PACHECO SILVA, GUIDO MATEO SUASO, CARLOS GONZALES FLORES, and ERIC ANTHONY ABRAHAMS REYES, a/k/a "Flaco," the defendants, worked to transport the Organization's cocaine using GoFast boats in the Caribbean Sea.

d. During the course of the conspiracy, HAROLD BURNS, a/k/a "Norberto Amezquita," a/k/a "Howie," and STEVEN OJEDA, a/k/a "Scott," the defendants, helped distribute the Organization's cocaine in the United States and other countries.

OVERT ACTS

5. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about March 31, 2004, STEVEN OJEDA, a/k/a "Scott," the defendant, met with a confidential informant working under the direction of the Drug Enforcement Administration (the "CI") in New York, New York, and discussed the distribution of approximately 40 kilograms of cocaine.

b. In or about August 2004, HAROLD BURNS, a/k/a "Norberto Amezquita," a/k/a "Howie," and STEVEN OJEDA, a/k/a "Scott," the defendants, met with the CI, in Chicago, Illinois, and discussed the Organization's use of boats to transport cocaine from Colombia to Belize and Mexico and then into the United States, including to New York.

c. On or about October 29, 2004, HAROLD BURNS, a/k/a "Norberto Amezquita," a/k/a "Howie," the defendant, and the CI spoke on the telephone regarding BURNS' transportation of more than one thousand kilograms of cocaine.

d. In or about November 2004, HAROLD BURNS, a/k/a "Norberto Amezquita," a/k/a "Howie," the defendant, and the CI met in Belize to discuss the transportation and distribution of thousands of kilograms of cocaine.

e. On or about February 16, 2005, MAY ADALBERTO MITCHELL PALACIO, a/k/a "Mike," and RAUL ALBERTO ALVAREZ-HAMBURGER, a/k/a "El Ingenerio," the defendants, spoke on the telephone about transporting a shipment of cocaine from Colombia across the Caribbean Sea.

f. On or about February 19, 2005, MAY ADALBERTO MITCHELL PALACIO, a/k/a "Mike," and RAUL ALBERTO ALVAREZ-HAMBURGER, a/k/a "El Ingenerio," the defendants, spoke on the telephone about transporting two boats with cocaine from Colombia across the Carribean Sea.

g. On or about April 9, 2005, ROGER GIOVANY MUENTES SANCHEZ and EDWIN FRANKLIN GUTIERREZ PATERNINA, the defendants, spoke on the telephone concerning a shipment of thousands of kilograms of cocaine to be transported from Colombia.

h. On or about April 9, 2005, ROGER GIOVANY MUENTES SANCHEZ and EDWIN FRANKLIN GUTIERREZ PATERNINA, the defendants, spoke on the telephone regarding the transportation of approximately 2500 kilograms of cocaine (the "Load").

i. On or about April 10, 2005, EDWIN FRANKLIN GUTIERREZ PATERNINA and ERIC ANTHONY ABRAHAMS REYES, a/k/a "Flaco," the defendants, spoke on the telephone about the transportation of the Load.

j. In or about April 2005, WELLINGTON HOOKER FORBES, LAUREANO HOOKER, GABRIEL AGRESOT LOBO, and JORGE PACHECO SILVA, the defendants, transported the Load from Colombia.

k. On or about April 13, 2005, ROGER GIOVANY MUENTES SANCHEZ and ERIC ANTHONY ABRAHAMS REYES, a/k/a "Flaco," the defendants, spoke on the telephone about the Load and the people transporting the Load (the "Crew").

l. On or about April 13, 2005, ROGER GIOVANY MUENTES SANCHEZ and EDWIN FRANKLIN GUTIERREZ PATERNINA, the defendants, spoke on the telephone about the Crew.

m. On or about April 13, 2005, ROGER GIOVANY MUENTES SANCHEZ, EDWIN FRANKLIN GUTIERREZ PATERNINA and HUGO HUMBERTO MUENTES SANCHEZ, the defendants, spoke on the telephone about sending "Flaco" to pick-up the Crew and the Load.

n. On or about April 13, 2005, ROGER GIOVANY MUENTES SANCHEZ and EDWIN FRANKLIN GUTIERREZ PATERNINA, the defendants, spoke on the telephone about the Crew who was waiting to be picked up with the Load.

o. In or about April 2005, GUIDO MATEO SUASO and CARLOS GONZALES FLORES, the defendants, guarded the Load in Costa Rica.

p. In or about April 2005, HAROLD BURNS, a/k/a "Norberto Amezquita," a/k/a "Howie," the defendant, traveled to Costa Rica in connection with the Load.

q. On or about April 25, 2005, MAY ADALBERTO MITCHELL PALACIO, a/k/a "Mike," and OLARIO MITCHELL PALACIO, a/k/a "Philip," the defendants, spoke on the telephone about the arrest of the Crew and the seizure of the Load.

r. On or about May 17, 2005, OLARIO MITCHELL PALACIO, a/k/a "Philip," and ROGER GIOVANY MUENTES SANCHEZ, the defendants, spoke on the telephone about the Load.

(Title 21, United States Code, Section 963.)

FORFEITURE ALLEGATION

6. As a result of committing one or more of the controlled substance offenses alleged in Count One of this Indictment, HAROLD BURNS, a/k/a "Norberto Amezquita," a/k/a "Howie," WELLINGTON HOOKER FORBES, LAUREANO HOOKER, GABRIEL AGRESOT LOBO, JORGE PACHECO SILVA, GUIDO MATEO SUASO, CARLOS GONZALES FLORES, ERIC ANTHONY ABRAHAMS REYES, a/k/a "Flaco," STEVEN OJEDA, a/k/a "Scott," MAY ADALBERTO MITCHELL PALACIO, a/k/a "Mike," OLARIO MITCHELL PALACIO, a/k/a "Philip," ROGER GIOVANY MUENTES SANCHEZ, EDWIN FRANKLIN GUTIERREZ PATERNINA, HUGO

HUMBERTO MUENTES SANCHEZ, and RAUL ALBERTO ALVAREZ-HAMBURGER, a/k/a "El Ingenierio," the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting and derived from any proceeds that the said defendants obtained directly and indirectly as a result of the said violation and any and all property used and intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment including, but not limited to, the following: a sum of money equal to approximately \$50 million in United States Currency, representing the amount of proceeds obtained as a result of the controlled substance offenses for which the defendants are liable.

Substitute Assets Provision

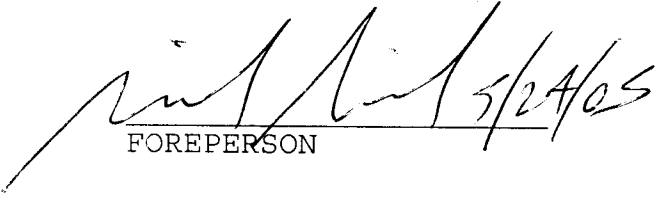
7. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;

- d. has been substantially diminished
in value; or
- e. has been commingled with other
property which cannot be divided
without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the forfeitable property.

(Title 21, United States Code, Sections 963 and 853.)


FOREPERSON


DAVID N. KELLEY
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

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a/k/a "Norberto Amezquita,"
a/k/a "Howie,"
WELLINGTON HOOKER FORBES,
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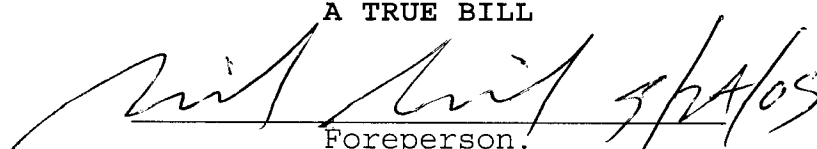
SEALED
INDICTMENT

05 Cr.

(Title 21, United States Code,
Section 963.)

DAVID N. KELLEY
United States Attorney.

A TRUE BILL


Foreperson.

*Indictment filed, 15 Arrest warrants issued.
7 Made, USMJ*

*Indict
FC 5/24/05*